

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LAROY JAMES TINDLE, #2144689,

Plaintiff,

v.

NANCY EDENS, *et al.*,

Defendants.

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Case No. 6:19-CV-95-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On May 23, 2019, Defendants Blair, Page, and Dr. Shrode filed a motion to dismiss. Docket No. 10. Plaintiff filed a response on June 17, 2019. Docket No. 15. On January 21, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 28), recommending that the motion to dismiss be granted as to Blair and Page in their entirety, and as to the claims for monetary damages against Dr. Shrode in his official capacity. The Report and Recommendation also recommended dismissal of the claims against Defendants Edens and Cox under 28 U.S.C. §1915A as frivolous and for failure to state a claim upon which relief may be granted. Plaintiff timely filed objections. Docket No. 32.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having conducted such de novo review here, the Court concludes that the Report is correct and that the objections are without merit. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 28) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Report of the Magistrate Judge is **ADOPTED** as the opinion of the court. It is further **ORDERED** that Defendants' motion to dismiss (Docket No. 10) is **GRANTED** as to Defendants Latina Blair and Karen Page. The claims against these Defendants are **DISMISSED WITH PREJUDICE**. It is further


ORDERED that the motion to dismiss is **GRANTED** as to Defendant Dr. Shrode as to any claim against him for monetary damages in his official capacity. These claims are **DISMISSED WITH PREJUDICE**. The motion to dismiss as to Dr. Shrode is **DENIED** in all other respects. Dr. Shrode has already filed his answer to the lawsuit. It is further

ORDERED that Plaintiff's claims against Defendants Nancy Edens and Rebecca Cox are **DISMISSED WITHOUT PREJUDICE** as frivolous and for failure to state a claim upon which relief may be granted. It is further

ORDERED that Plaintiff's motions for default judgment (Docket Nos. 22; 24) are **DENIED** because no Defendant is in default. Finally, it is

ORDERED that Plaintiff's motion for a temporary restraining order or preliminary injunction (Docket No. 23) is **STRICKEN** from the docket because the motion was not signed by Plaintiff, but by another inmate, in contravention of Federal Rule of Civil Procedure 11.

So **ORDERED** and **SIGNED** this **27th** day of **February, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE